

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,)
Plaintiff,) Case No. 1731-CC01498
v)
LOWE'S HOME CENTERS, LLC,)
Defendants.)

CERTIFICATE OF SERVICE

The undersigned certifies that complete copies of *Defendant Lowe's Home Centers, LLC's Responses to Plaintiff's First Request for Production of Documents, Answers to Plaintiff's First Interrogatories, Objections to Plaintiff's First Interrogatories and Objections to Plaintiff's First Request for Production of Documents* were served via first class mail, postage prepaid and via e-mail and U.S. mail this 17th day of January, 2018, to James E. Corbett 2015 East Phelps Street, Springfield, MO, 65802, jcorbett@corbettlawfirm.com and Kenneth Johnson, 901 St. Louis Street, Suite 1600, Springfield, MO 65806 kenj95357@aol.com.

HEPLERBROOM, LLC

By: /s/ Justin L. Assouad
JUSTIN L. ASSOUAD #48576
jla@heplerbroom.com
ZOE J. GROSS #69108
zjg@heplerbroom.com
211 North Broadway, Suite 2700
St. Louis, MO 63102
(314) 241-6160 – Telephone
(314) 241-6116 – Facsimile
ATTORNEYS FOR DEFENDANT LOWE'S HOME
CENTERS LLC

PROOF OF SERVICE

I hereby certify that I electronically filed on this 18th day of January, 2018, the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James E. Corbett
2015 East Phelps Street
Springfield, MO 65802
jcorbett@corbettlawfirm.com
P: (417) 866-6665
F: (417) 866-6699

Kenneth Johnson
901 St. Louis Street
Suite 1600
Springfield, MO 65806
kenj95357@aol.com.
P: (417) 862-1741

Attorneys for Plaintiff

/s/ Justin L. Assouad

3IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

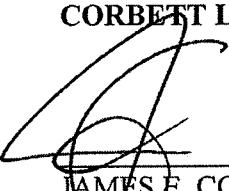
BETH SIFFORD,)
Plaintiff,)
V.) Case No.: 1731-CC01498
LOWE'S HOME CENTERS, LLC,)
Defendant.)

CERTIFICATE OF SERVICE

I certify that *Plaintiff's Objections and Responses to Defendant's First Set of Requests for Production Directed to Plaintiff Beth Sifford, Plaintiff's Objections and Answers to Defendant's First Interrogatories Directed to Plaintiff Beth Sifford*, and this *Certificate of Service* were delivered by placing same in the U.S. mail, postage prepaid, this 2nd day of January 2018 addressed to the following:

Zoe J. Gross
Justin Assouad
HelperBroom, LLC
211 North Broadway, Suite 2700
Saint Louis, MO 63102
Attorneys for: Lowe's Home Centers, LLC

CORBETT LAW FIRM, P.C.


JAMES E. CORBETT #36279
2015 East Phelps Street
Springfield, MO 65802
(417) 866-6665 (FAX) 866-6699
jcorbett@corbettlawfirm.com
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,)
)
Plaintiff,)
)
V.) Case No.: 1731-CC01498
)
LOWE'S HOME CENTERS, LLC,)
)
Defendant.)

MOTION FOR CHANGE OF JUDGE

COMES NOW Plaintiff, by and through counsel, and pursuant to Missouri Supreme Court Rule 51.05, hereby move for a change of judge in the above-captioned matter.

CORBETT LAW FIRM, P.C.

/s/ *James E. Corbett*

JAMES E. CORBETT #36279
2015 East Phelps Street
Springfield, MO 65802
Ph. (417) 866-6665 Fax (417) 866-6699
jcorbett@corbettlawfirm.com
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,

Plaintiff,

v.

Case No.: 1731-CC01498

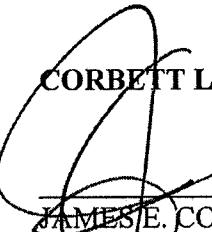
LOWE'S HOME CENTERS, LLC,

Defendant.

CERTIFICATE OF SERVICE

I certify that *Plaintiff's First Interrogatories to Defendant, Plaintiff's First Request for Production to Defendant*, and this *Certificate of Service* were delivered by placing same in the U.S. mail, postage prepaid, this 21st day of December 2017 addressed to the following:

Zoe J. Gross
Justin Assouad
HelperBroom, LLC
211 North Broadway, Suite 2700
Saint Louis, MO 63102
Attorneys for: Lowe's Home Centers, LLC


CORBETT LAW FIRM, P.C.

JAMES E. CORBETT #36279
2015 East Phelps Street
Springfield, MO 65802
(417) 866-6665 (FAX) 866-6699
jcorbett@corbettlawfirm.com
Attorneys for Plaintiff

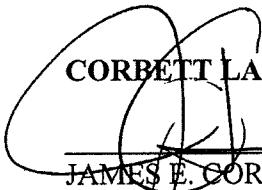
IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,)
Plaintiff,)
V.) Case No.: 1731-CC01498
LOWE'S HOME CENTERS, LLC,)
Defendant.)

**PLAINTIFF'S REPLY TO DEFENDANT'S AFFIRMATIVE DEFENSES CONTAINED
IN DEFENDANT LOWE'S HOME CENTERS, LLC'S ANSWER TO PLAINTIFF'S
PETITION**

COMES NOW Plaintiff, by and through her counsel, Corbett Law Firm, PC and with her *Reply to Defendant's Affirmative Defenses Contained in Defendant Lowe's Home Centers, LLC's Answer to Plaintiff's Petition*, states as follows:

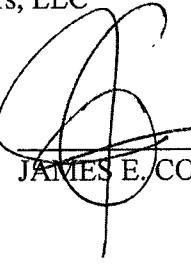
1. Plaintiff denies Affirmative Defense 1.
2. Plaintiff denies Affirmative Defense 2.
3. Plaintiff denies Affirmative Defense 3.
4. Plaintiff denies Affirmative Defense 4.
5. Plaintiff denies Affirmative Defense 5.
6. Plaintiff denies Affirmative Defense 6.


CORBETT LAW FIRM, P.C.
JAMES E. CORBETT #36279
2015 East Phelps Street
Springfield, MO 65802
(417) 866-6665 (FAX) 866-6699
jcorbett@corbettlawfirm.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that *Plaintiff's Reply to Defendant's Affirmative Defenses Contained in Defendant Lowe's Home Centers, LLC's Answer to Plaintiff's Petition* was served through the electronic filing system pursuant to Supreme Court Rule 103.08 this 20th day of December 2017 addressed to the following:

Zoe J. Gross
Justin Assouad
HelperBroom, LLC
211 North Broadway, Suite 2700
Saint Louis, MO 63102
Attorneys for: Lowe's Home Centers, LLC


JAMES E. CORBETT #36279

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD ,)
Plaintiff,)
v) Case No. 1731-CC01498
LOWE'S HOME CENTERS, LLC,)
Defendants.)

ENTRY OF APPEARANCE

COME NOW Justin L. Assouad and the law firm of HEPLERBROOM, LLC, and hereby enter their appearance on behalf of Defendant Lowe's Home Centers, LLC.

HEPLERBROOM, LLC

By: /s/ Justin L. Assouad
JUSTIN L. ASSOUAD #48576
jla@heplerbroom.com
Zoe J. Gross #69108
zjg@heplerbroom.com
211 North Broadway, Suite 2700
St. Louis, MO 63102
(314) 241-6160 – Telephone
(314) 241-6116 – Facsimile
ATTORNEY FOR DEFENDANT LOWE'S HOME
CENTERS LLC

PROOF OF SERVICE

I hereby certify that I electronically filed on this 12th day of December, 2017, the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James E. Corbett
2015 East Phelps Street
Springfield, MO 65802
jcorbett@corbettlawfirm.com
P: (417) 866-6665
F: (417) 866-6699

Kenneth Johnson
901 St. Louis Street
Suite 1600
Springfield, MO 65806
P: (417) 862-1741

Attorneys for Plaintiff

/s/ *Justin L. Assouad*

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,)
Plaintiff,)
v) Case No. 1731-CC01498
LOWE'S HOME CENTERS, LLC,) JURY TRIAL DEMANDED
Defendants.)

**DEFENDANT LOWE'S HOME CENTERS, LLC'S
ANSWER TO PLAINTIFF'S PETITION**

COMES NOW Defendant Lowe's Home Centers, LLC, by and through its undersigned attorneys, and for its Answer to Plaintiff's Petition, states as follows:

1. Defendant objects and moves to strike Paragraph 1 of Plaintiff's Petition insofar as it states a pure legal conclusion rather than a short and plain statement of fact as required by Rule 55.05 of the Missouri Rules of Civil Procedure. To the extent that a response is required, Defendant denies that Plaintiff has any valid cause of action against this Defendant and therefore denies same.
2. Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Petition.
3. Defendant denies the allegations contained in Paragraph 3 of Plaintiff's Petition.
4. Defendant denies the allegations contained in Paragraph 4 of Plaintiff's Petition.
5. Defendant denies the allegations contained in Paragraph 5 of Plaintiff's Petition including all subparts thereto.

AFFIRMATIVE DEFENSES

1. Defendant states that whatever damages or injuries Plaintiff may have sustained were as a result of Plaintiff's own negligence and carelessness directly contributing thereto. Defendant hereby invokes the defense of comparative negligence as adopted by the Missouri

Supreme Court. This Defendant states that the Plaintiff was comparatively negligent in that she failed to keep a careful lookout.

2. Plaintiff has failed to mitigate her damages and is thereby barred from recovering herein.

3. Defendant states that the Petition fails to state a cause of action in that any condition involved in the Plaintiff's incident would have been open and obvious therefore negating or barring any claim she may have. Plaintiff assumed the alleged risk of any danger alleged in her Petition.

4. Plaintiff's Petition fails to state a cause of action and fails to state a claim upon which relief may be granted to the Plaintiff and against this Defendant.

5. Defendant states that whatever damages or injuries Plaintiff may have sustained were as the result of the negligence and carelessness of third parties over whom this Defendant had neither control nor the right to control.

6. This Defendant hereby invokes the protections of the Missouri Tort Reform Act (MO House Bill 393)

WHEREFORE, having fully answered, Defendant prays to be dismissed hence with its costs.

HEPLERBROOM, LLC

By: /s/ Justin L. Assouad
JUSTIN L. ASSOUAD #48576
jla@heplerbroom.com
ZOE J. GROSS #69108
zjg@heplerbroom.com
211 North Broadway, Suite 2700
St. Louis, MO 63102
(314) 241-6160 – Telephone
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*ATTORNEYS FOR DEFENDANT LOWE'S HOME
CENTERS LLC*

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Springfield, MO 65806
P: (417) 862-1741

Attorneys for Plaintiff

/s/ Justin L. Assouad

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD ,)
Plaintiff,)
v) Case No. 1731-CC01498
LOWE'S HOME CENTERS, LLC,)
Defendants.)

ENTRY OF APPEARANCE

COMES NOW Zoe J. Gross, and hereby enters her appearance on behalf of Defendant Lowe's Home Centers, LLC.

HEPLERBROOM, LLC

By: /s/ Zoe J. Gross
JUSTIN L. ASSOUAD #48576
jla@heplerbroom.com
Zoe J. Gross #69108
zjg@heplerbroom.com
211 North Broadway, Suite 2700
St. Louis, MO 63102
(314) 241-6160 – Telephone
(314) 241-6116 – Facsimile
*ATTORNEY FOR DEFENDANT LOWE'S HOME
CENTERS LLC*

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Kenneth Johnson
901 St. Louis Street
Suite 1600
Springfield, MO 65806
P: (417) 862-1741

Attorneys for Plaintiff

/s/ Zoe J. Gross

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

BETH SIFFORD,)
Plaintiff,) Case No. 1731-CC01498
v)
LOWE'S HOME CENTERS, LLC,)
Defendants.)

CERTIFICATE OF SERVICE

The undersigned certifies that complete copies of ***Defendant Lowe's Home Centers, LLC's First Set of Interrogatories and First Request for Production of Documents*** were served via first class mail, postage prepaid and via E-Mail in Microsoft Word format this 12th day of December, 2017, to James E. Corbett 2015 East Phelps Street, Springfield, MO, 65802, jcorbett@corbettlawfirm.com and Kenneth Johnson, 901 St. Louis Street, Suite 1600, Springfield, MO 65806 kenj95357@aol.com.

HEPLERBROOM, LLC

By: /s/ Justin L. Assouad
JUSTIN L. ASSOUAD #48576
jla@heplerbroom.com
ZOE J. GROSS #69108
zjg@heplerbroom.com
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St. Louis, MO 63102
(314) 241-6160 – Telephone
(314) 241-6116 – Facsimile
ATTORNEYS FOR DEFENDANT LOWE'S HOME
CENTERS LLC



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division:	Case Number: 1731-CC01498
Plaintiff/Petitioner: BETH SIFFORD vs.	Plaintiff's/Petitioner's Attorney/Address JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
Defendant/Respondent: LOWES HOME CENTERS LLC	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: LOWES HOME CENTERS LLC

Alias:

R/A CSC-LAWYERS INC SERVICE CO
221 BOLIVAR ST
JEFFERSON CITY, MO 65101



You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

_____ 11/9/17 _____

Date

/s/Kerri Jerome _____

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____(name)_____(title).

other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons	\$_____
Non Est	\$_____
Sheriff's Deputy Salary	\$_____
Supplemental Surcharge	\$_____ 10.00
Mileage	\$_____ (_____ miles @ \$_____ per mile)
Total	\$_____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI**BETH SIFFORD,****PLAINTIFF,****V.**

Case No.:

LOWE'S HOME CENTERS, LLC,**DEFENDANT.****PETITION**

COMES NOW Plaintiff Beth Sifford (hereinafter referred to as "Plaintiff"), by and through her attorneys of record, Corbett Law Firm, P.C., and for her claim against Lowe's Home Centers, LLC, (hereinafter referred to as "Defendant"), states, alleges, and avers as follows:

1. Jurisdiction and venue for this cause of action lie in the Circuit Court of Greene County, Missouri, for the reason that the incident referred to herein occurred in Springfield, Greene County, Missouri.
2. On August 28, 2017, Defendant owned and maintained the shopping carts that were on its premises located at 1850 E. Primrose in Springfield, Greene County, Missouri. (the premises)
3. On August 28, 2017, Plaintiff was at the customer service counter at the premises when she accidentally bumped into one of Defendant's shopping carts and lacerated both of her shins because the shopping cart had a sharp edge on the bed of the cart.
4. Defendant was negligent in maintaining a shopping cart with a sharp edge on the bed of the cart.
5. As a result of Defendant's negligence Plaintiff sustained the following damages:

- (a) Past, present, and future medical supplies, medicine, and services of physicians, nurses, hospitals, pharmacists, physical therapists, and services of all other health care providers and related medical expenses;
- (b) Lacerations to both legs;
- (c) Loss of household contributions.

WHEREFORE Plaintiff prays for judgment against Defendant in such sum as is fair and reasonable, interest at the legal rate from the date of judgment, for her costs of action incurred herein, and for such other further relief as is just and proper.

CORBETT LAW FIRM, P.C.

JAMES E. CORBETT #36279
Attorney for Plaintiff
2015 East Phelps Street
Springfield, MO 65802
jcorbett@corbettlawfirm.com
Phone (417) 866-6665
Fax (417) 866-6699

KENNETH W. JOHNSON #21541
Attorney for Plaintiff
901 St. Louis St., Ste. 1600
Springfield, MO 65806
Phone (417) 862-1741